



An
Bord
Pleanála

Inspector's Report

ABP-311647-21

Development	Demolition of single storey extension and detached garden store and construction of a new single storey flat roof extension together with new roof dormer box extension to the rear and side of dwelling.
Location	379, Howth Road, Dublin 5, D05 N792
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	WEB1803/21
Applicant(s)	Roger and Claire English.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	First Party v Condition
Appellant(s)	Claire and Roger English.
Observer(s)	None
Date of Site Inspection	16 th January 2022.

Inspector

Paul Caprani

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1.0 Site Location and Description

- 1.1. The appeal site is located at no.379 Howth Road, between Killester and Raheny, c 6 Km north-east of Dublin City Centre. The appeal site is located mid-way along a row of terraced two storey dwellings which face north directly onto an internal suburban access serving the individual which runs parallel to the main Howth Road, a major radial route which links the north eastern suburbs with the city centre.
- 1.2. No 379 Howth Road comprises of a two-storey hipped roof dwelling with a flat roof single storey garage adjacent to the eastern boundary adjoining no. 38. The dwelling currently accommodates hallway/kitchen/dining and living room at ground floor level with 4 bedrooms above.
- 1.3. A small shed/store c 5 sq.m in size is located in the rear garden adjacent to the eastern boundary. The back garden is c24m in length while the driveway/front garden has a depth of c.9.3 m.
- 1.4. Many of the houses along this section of the roadway have been subject to alterations and extensions including alterations to the roof profile and infilling the first-floor area above the garage.

2.0 Proposed Development

- 2.1. Planning permission is sought for the partial demolition of the kitchen to the rear (the portion immediately behind the garage) together with the small shed in the rear garden.
- 2.2. In its place, it is proposed to extend to the rear of the dwelling at ground floor level to incorporate a new kitchen, lounge and utility area which is to form a new open plan area with the existing dining area. Two new skylights are proposed above the new extension with a new patio area in the rear garden. No changes are proposed at first floor level with the exception of replacing the roof over the garage.
- 2.3. At roof/attic level, it is proposed to provide a new attic area with a new hipped roof dormer extension to the side and a new box dormer to the rear incorporating a new window facing southwards onto the rear garden.

2.4. The total area of the proposed extension amounts to 63 sq.m at ground floor level and 18 sqm at attic level. The total gross floor area of the dwelling increases from 126.5 sq.m to 196.1 sq.m. The proposed extension incorporate a mixture of traditional and contemporary finishes.

3.0 **Planning Authority Decision**

3.1. **Decision**

Dublin City Council issued notification to grant planning permission subject to 13 conditions.

Condition no. 5 requires that, *“The roof dormer shall be revised so as to be fully contained within the existing rear roof plane and a subordinate roof element to be centred on the existing roof plane as much as possible, so as to be fully physically and visual disaggregated from the proposed side dormer. Development shall not commence until revised plans, drawing and particulars showing the above amendments have been submitted to, agreed in writing by the planning authority.*

Reason: In the interests of visual amenity,”

3.2. **Documentation submitted with the Planning Application**

3.3. An Architect’s Report was submitted with the planning application. It sets out details of the site context and the planning history of sites in the vicinity. It also provides details of the proposed design. It is also stated that environmentally friendly methods of construction and materials used will also be incorporated into the design.

3.4. **Planning Authority Reports**

3.4.1. Technical Reports

A report from the Engineering Department - Drainage Division states that there is no objection subject to standard conditions.

3.5. **Prescribed Bodies**

No reports

3.6. Third Party Observations

One observation was submitted from the adjoining neighbour which expressed concerns regarding the mass, scale and height, overshadowing and the potential impact on the common boundary between both dwellings.

3.7. Planners Report

- 3.7.1. The ground floor extension is considered to be acceptable. With regard to the rear and side dormer, the report notes that the rear dormer extends approximately 3.6m outwards and measures a width of c.3.5m. The width of the roof plane measures c7.5. The dormer is sitting approximately 1m above the eaves and 150mm below the ridge line, and as a result, it is partially sitting above the roof plane. A condition shall be attached to address this in order to ensure that the proposed dormer sits within the roof and will be subordinate to the original roof in accordance with Appendix 17.11 of the development plan. The proposed hipped roof dormer shall incorporate obscure glazing in the interests of protecting residential amenity of the adjoining dwelling. It is not considered that the proposed dwelling will have any adverse impact on the amenity of third-party dwellings. Based on the above condition no. 5 was attached.

4.0 Planning History

- 4.1. There is no planning history associated with the subject site. Details of planning applications relating to sites in the vicinity, which relate to extensions and alterations to dwellings are set out in the architect's report submitted with the planning application.

5.0 Policy Context

5.1. Development Plan

- 5.2. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is governed by the zoning objective Z1.

- 5.3. Section 16.2.2.3 relates to alterations and extensions. It states that Dublin City Council will seek to ensure that alterations and extensions will be sensitively designed and detailed to respect the character of the existing building, its context, and the amenity of adjoining occupiers.
- 5.4. In particular extensions should:
- Respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings.
 - Retain a significant proportion of garden space, yard or other enclosure.
 - Not result in the loss of, obscure, or otherwise detract from the architectural features which contribute to the quality of the existing building.
 - Retain characteristic townscape spaces or gaps between buildings.
 - Not involve the infilling enclosure or harmful alteration of front lightwells.
 - Furthermore, extensions should be confined to the rear in most cases.
 - Be clearly subordinate to the existing building in scale and design.
 - Incorporate a high standard of thermal performance and appropriate sustainable design features.
- 5.5. In addition to the above, alterations and extensions at roof level, including roof terraces are to respect the scale, elevation proportions and architectural form of the building and will:
- Respect the uniformity of terraces or groups of buildings with a consistent roofline and not adversely affect the character of terraces with an attractive varied roofline.
 - Not result in the loss of roof forms, roof coverings or roof features where they are of historic interest or contribute to the local character and distinctiveness.
- 5.6. Section 16.10.12 of the Development Plan also relates to extensions and alterations to dwellings.
- 5.7. The design of residential extensions should have regard to the amenities of adjoining properties and in particular the need for light and privacy. In addition, the form of the existing building should be followed as closely as possible, and the development

should integrate with the existing building through the use of similar finishes and windows. Extensions should be subordinate in terms of scale to the main unit.

- 5.8. Applications for planning permission to extend dwellings will only be granted where the Planning Authority is satisfied that the proposal will:
- Not have an adverse impact on the scale and character of the dwelling.
 - Not adversely affect the amenities enjoyed by occupants of adjacent dwellings in terms of privacy, access to daylight and sunlight.
- 5.9. Appendix 17 also provides additional guidelines in relation to alterations and extensions to dwellings.
- 5.10. It notes that the roofline of the building is one of the most dominant features and it is important that any proposal to change the shape, pitch, cladding or ornament of the roof is carefully considered. If not treated sympathetically, the dormer extension can cause problems for immediate neighbours in the way that the street is viewed as a whole.
- 5.11. When extending the roof, the following principles should be observed.
- The design of the dormer should reflect the character of the area, the surrounding buildings and the appearance of the existing building.
 - Dormer windows would be visually subordinate to the roof slope, enabling a large proportion of the original roof to remain visible.
 - Any new windows should relate to the shape, size and position and design of the existing doors and windows on the lower floors.
 - Roofs should be covered with materials that match or complement the main building.

Dormer windows should be setback from the eaves level to minimise the visual impact and reduce the potential for overlooking of adjoining properties.

5.12. **Natural Heritage Designations**

- 5.12.1. The site is not located within or contiguous to a designated Natura 2000 site. The nearest Natura 2000 sites are located c.1.3 km to the south-east namely the North

Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206).

5.13. EIA Screening

5.13.1. Extensions and alterations to existing dwellings are not a class of development for which EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

The decision was the subject of a 1st Party appeal specifically against condition 5 of the grant of permission. The grounds of appeal are outlined below:

- The proposal seeks to replicate the dormer roof extension to the rear and side of No.373 Howth Road which was granted permission under WEB 1301/20.
- It is inappropriate that the planning authority would attach a condition to reduce the width of a flat roof dormer given that planning permission was previously granted for a replica design at No.373 Howth Road. In relation to No.373, the planners report concluded that *“the proposed dormer box extensions in both the side and rear planes of the roof of the house, would be considered to be consistent in character and subordinate in scale and profile to the existing roof of the house”*.
- There is an obvious inconsistency in both planners approaches in treating both applications, which are, for all intents and purposes, identical.
- The proposed rear dormer would be non-visible from the public realm, due to the fact it would be screened by the proposed side roof extension.
- The condition to reduce the width of the dormer roof would have a significant impact on the use of the attic room. The reduction in width would result in an internal room width of 1.5m of the dormer box area.

6.2. Planning Authority Response

- Dublin City Council have not submitted a response to the grounds of appeal.

6.3. Observations

- No observations have been submitted on foot of the appeal.

7.0 Assessment

7.1. As the appeal relates to a first party against a particular condition and having regard to the acceptability of the proposed development in principle, it is considered that a determination by the Board of the application as if it had been made to it in the first instance would not be warranted on this occasion. I consider the Board can restrict its deliberations to the issues raised in the grounds of appeal, namely whether or not Condition No. 5 is appropriate in this instance.

7.2. The wording of the condition is somewhat ambiguous, and it does not specify the size and scale of the proposed dormer box to the rear at roof level. It merely states that *'the rear roof dormer shall be revised so as to be fully contained within the as a floating and subordinate roof element to be centred on the existing roof element as possible'*. It further seeks to ensure that the rear roof dormer shall be *'physically and visually disaggregated from the proposed side dormer'*.

7.3. The wording in my view, requires some level of interpretation of the meaning of the condition. How one would interpret the condition, can in my opinion be set aside until deciding whether or not the condition is in fact necessary.

7.4. The condition is predicated on the basis that it will improve the visual amenities of the area. It is apparent from the drawings submitted in the grounds of appeal that the proposed alterations to the roof under the current application are very similar, if not quite identical to the alterations carried out to No. 373 Howth Road. Having inspected the site I would agree with the appellant that the incorporation of side dormer window will completely conceal any views of the box extension on the rear roof plane from public vantage points along the road. The only view of the rear dormer box will be private views from the rear of dwellings to the south, facing onto Maryville Road. The separation distance between the elevations in question is 50 m.

At this distance I am satisfied that the proposed dormer box will not adversely impact on the residential amenities of the residents of the dwellings to the south. On the basis of the above, any argument that the proposed dormer box extension to the rear of the dwelling as proposed will adversely impact on the visual amenities of the area does not stand up to scrutiny.

- 7.5. I also agree with the argument set out in the grounds of appeal that there is relevant planning precedents in the area for similar type development. Many houses along this section of the Howth Road have been subject to alterations and extensions including significant alterations of the roof profile. As referred to above, of most relevance is the extension which was granted planning permission at No. 373 Howth Road, which incorporates near identical alterations in the roof profile under Reg Ref WEB 1301/20, to that proposed under the current application at No. 379. Only 2 houses separate both sites. It is my considered opinion that the planning authority are being inconsistent in applying different design criteria to two applications along the same section of roadway. Thus, I consider that there is a relevant precedent to grant planning permission for the proposed development as originally designed.
- 7.6. Finally, I note that the grounds of appeal suggest that to incorporate the alterations are required by condition no.5, the proposed dormer box to the rear would be required to be reduced from c.3.5 m to 1.4m in width and this would result in an attic space that would serve little useful purpose. I should be a reasonable expectation that families be permitted to alter and extent their dwellings in order to cater to changing family needs subject to qualitative safeguards in terms of amenity. The size of the dormer box at 3.5m in width cannot be considered excessive. I note that the Board in granting planning permission to a similar type of dormer box extension to the rear of a suburban dwelling house at no 77 Bettyglen Raheny, less than 2 km to the east of the site, stipulated that the dormer box to the rear be a maximum of 5.6m in width. In this context the current proposal before the Board which seek the provision of a dormer box on the rear plane of 3.5m in width cannot in my view be considered to be excessive in scale.

8.0 **Appropriate Assessment**

Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Decision**

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of Section 139 of the Planning and Development Act 2000 to remove Condition No. 5 and the reason therefore.

10.0 **Reasons and Considerations**

Having regard to the nature and scale of the proposed development and the pattern of development in the area, including the terraced character of the streetscape, it is considered that the modifications to the proposed development, as required by the planning authority in its imposition of Condition No. 5, are not warranted. The proposed development, with the omission of Condition No. 5, would not have a significant impact on the residential or visual amenities of the area, and would therefore be in accordance with the proper planning and sustainable development of the area.

Paul Caprani
Senior Planning Inspector
January 31st 2022